

Final

SELECTMEN'S MINUTES

June 6, 2005

Present, Peter Ashton, Walter Foster, Dore' Hunter, Bob Johnson Lauren Rosenzweig, Town Manager and Asst. Town Manager were for the meeting
(The meeting was televised)

CITIZEN'S CONCERNS

NONE

SEWER DISTRICT REINSTATEMENT REQUEST, NICHOLAS ZAVOLAS – Peter noted that both sides had incurred legal costs, however, he did not think Mr. Zavolas should be reimbursed, and he should be charged the full betterment, DORE' HUNTER- Moved to reinstate 45 Martin Street in to the District, and charge the full betterment. WALTER FOSTER, second. UNANIMOUS VOTE.

FINAL SEWER BETTERMENTS - PETER ASHTON – Moved to act pursuant to Mass General Law, Chapter 80, Section 4, Chapter 83, sections 14 and 15, Chapter 340 of the Acts of 2000 as noted in the attached materials for Recorded Land. WALTER FOSTER – Second, UNANIMOUS VOTE

PETER ASHTON – Moved to act pursuant to Mass General Law, Chapter 80, Section 4, Chapter 83, sections 14 and 15, Chapter 340 of the Acts of 2000 as noted in the attached materials for Registered Land. WALTER FOSTER – Second, UNANIMOUS VOTE

Walter felt we should put this in the Municipal Quarterly.

PUBLIC HEARINGS AND APPOINTMENTS

OPERATIONAL MINUTE – Don reported on the apartment fire at Briar Brook, 2 alarm fire. He also informed the Board of Maynard's Administrator Mike Ginotias's passing.

CROSSROAD'S CAFÉ' - ALCOHOL SERVING NOTICE - Mr. Manning was present to discuss this allegation. Peter noted it happened after a business party. At the January 9 Christmas party she had two beers and left at 10:30 and was fine when she left and was arrested at 12:00 midnight. He has his employees tips trained. Lauren suggested that before any parties warn and notify the attendees of the seriousness of too much alcohol consumption. Peter declared the matter closed but echoed the other member's suggestions and recommendations.

QUAIL RIDGE COUNTRY CLUB, FAMILY CENTER LICENSE AS A COMMON VICTUALLER
- Lauren recused, herself as she is a member. It is noted that the Family Center is complete, but the clubhouse is not.

WALTER FOSTER - Moved to vote approval contingent upon paper work submitted to the Board of Health. DORE' HUNTER – Second. 4-0, 1 abstention.

Final

QUAIL RIDGE COUNTRY CLUB, CLUBHOUSE, LICENSE AS A COMMON VICTUALLER

Atty. Jay Peabody proposed a Comm. Victualler and liquor License for clubhouse which will be open in 18 months. Peter asked about what will happen at the Family Center after the clubhouse opens. Jay said that they will still want food and liquor for the pool area. The food will be prepared at the Clubhouse to be served at the Family Center once the Clubhouse is built and occupied.

WALTER FOSTER - Moved to vote approval contingent upon paper work submitted to the Board of Health. **DORE' HUNTER** – Second. 4-0, 1 abstention

QUAIL RIDGE COUNTRY CLUB, FAMILY CENTER – FULL LIQUOR LICENSE

Walter asked Mr. Donohue about service of liquor and noted his 26 years in the business. He has been working in the country club setting for a long time. A private club is different than ones open to the public. They have policies and members can be removed from the Club for cause. **WALTER FOSTER** – Moved to approve the Family Center Full Liquor License contingent upon all paperwork that is required be submitted. **DORE' HUNTER** – Second. 4-0, 1 abstention.

QUAIL RIDGE COUNTRY CLUB, CLUBHOUSE – FULL LIQUOR LICENSE –WALTER FOSTER - Moved to approve and to further be required to submit any paperwork that may be required once the Clubhouse is built to the Board of Selectmen and Board of Health. 4-0, 1 abstention.

HISTORIC NEW ENGLAND, JOSEPH CORNISH – **DORE' HUNTER** - Moved to grant the necessary municipal approval. **BOB JOHNSON** – second. **UNANIMOUS VOTE**. The Board asked that this be forwarded to the Historical Commission.

SELECTMEN'S BUSINESS

SPECIAL TOWN MEETING WARRANT –

VOTES FOR ARTICLES

ARTICLE ONE – **DORE' HUNTER** - MOVED TO RECOMMEND **BOB JOHNSON**, second. **UNANIMOUS VOTE**

ARTICLE TWO – **DORE' HUNTER** - MOVED TO RECOMMEND. **WALTER FOSTER**, second. **UNANIMOUS VOTE**.

ARTICLE THREE- DORE' HUNTER - MOVED TO RECOMMEND - **WALTER FOSTER** – second. **UNANIMOUS VOTE**

ARTICLE FOUR – **DORE'** MOVED TO RECOMMEND. Peter seconded for the purpose of discussion. He is concerned about taking a position on this as it invades in the powers of the selectmen. Walter said he could not recommend and asked to defer. Ann Chang asked that they not recommend this Article. Mr. Sweeney spoke about the time that was taken to look at some thing that was outside of the regulations. Two abstention 3-0, 2 abstention.

ARTICLE FIVE – Already voted

ARTICLE 6 – Peter said that he didn't feel this would go forward. Walter felt we should go forward with this to preserve the opportunity to bring to the Town to see if they want it.

Final

BOY SCOUT OF HONOR ASSIGNMENT – Bob will attend

HEALTH INSURANCE ISSUES - Peter discussed the memo sent from the school committee. The School is willing to have a forum, and he felt a 2020 meeting would be a great way to discuss this. Peter asked we go forward planning it with him taking the lead with Marie Alteri and the committee for the middle of September.

PLANNING BOARD APPOINTMENTS - **Walter** moved to recommend Mr. Densen and Mr. Reichlen. Dore' Hunter- Second. Bob Johnson abstained 4-1

OTHER BUSINESS

Walter discussed the CPC progress – T. J OGrady and Leary field. Jones Tavern lower fee to do the chimney

Lauren reported on the formation of the South Acton Task Force and urged residents of South Acton to apply.

CONSENT AGENDA

Dore' HUNTER – Moved to Approve Holding 19 Rail Road Street Decision for discussion.

DORE' HUNTER - Moved to approve. LAUREN ROSENZWEIG – second.
UNANIMOUS VOTE

Lauren wanted to have explanation of what they will include on the front elevation with regard to windows. Walter said he spoke with Garry and the front elevation will be addressed.

LAUREN ROSENZWEIG – Moved to accept the Decision as written. WALTER FOSTER – second. UNANIMOUS VOTE

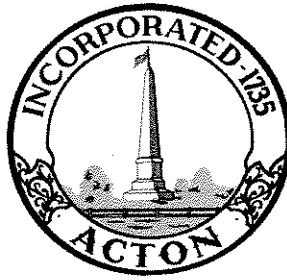
TOWN MANAGER'S REPORT

EXECUTIVE SESSION

Walter moved to go into Executive Session discuss Personnel Issues, Roll Call Taken, all Ayes.

Christine Joyce, Clerk

Clerk
Date: _____



COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

Town of Acton

SUPPLEMENTAL ORDER FOR CONSTRUCTION
MIDDLE FORT POND BROOK SEWER SYSTEM

The Board of Selectmen of the Town of Acton, acting as a Board of Sewer Commissioners and acting in pursuance of the provisions of Chapter 83 of the General laws and all acts in addition thereto and in amendment thereof, and of every other power and authority them thereto enabling, at a meeting duly held this sixth day of June, 2005, has issued this Supplemental Order with respect to the layout and construction of a common sewer for the Middle Fort Pond Brook area, as shown on a sketch entitled "Town of Acton, Sewer Commissioners, Final Order of Construction, Middle Fort Pond Brook, Sewer Betterment Area" to be recorded herewith all in compliance with the vote taken at the Special Town Meeting held November 15, 1999, as follows:

"Voted that \$3,633,050 is appropriated in addition to the \$11,500,000 appropriated under Article 18 of the Warrant for the 1997 Annual Town Meeting and the \$10,000,000 appropriated under Article 3 of the Warrant for the October 5, 1998 Special Town Meeting for the purpose of financing the construction of sewers and a wastewater treatment facility for the Middle Fort Pond Brook Sewer District, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$3,633,050 and issue bonds and notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Town Manager is authorized to enter into a Project Regulatory Agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project."

This Supplemental Order supplements the prior Orders of Construction of the Middle Fort Pond Brook Sewer Betterment Area (see Instrument Number 27 recorded in the Middlesex South District Registry on February 14, 2001 at Book 32363, Page 77; Instrument Number 259 recorded on February 15, 2001 at Book 32370, Page 507; Document Number 1162908 registered in the Middlesex Land Court Registration Office on February 15, 2001; the Instrument Number 1202 recorded on April 10, 2001, at Book 32657, Page 083; and the Instrument Number 2005-00037135 recorded on February 24, 2005, at Book 44689, Page 164) to take into account the fact that the Sewer Commissioners have, in their discretion, authorized the addition of the following parcel to the Sewer District and the connection of the following parcel to the public sewer based on the unique facts and circumstances pertaining to its location and its historic relationship to the Sewer District: the land and property listed as Assessors Map/Parcel H2-25, Owner Nicholas Zavolas, located at 45 Martin Street, by deed recorded at Book 08860, Page 0033, consisting of approximately 7 acres. As said property is used as one single family residence, it shall be assessed on the basis of one (1) Sewer Betterment Unit. In the event the property is subdivided in the future, additional sewer privilege fees would apply.

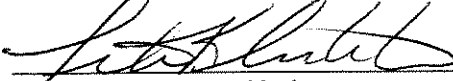
Pursuant to Massachusetts General Law Chapter 80, Section 4, Chapter 83, Sections 14 and 15, Chapter 340 of the Acts of 2000, and the Town of Acton Sewer Assessment By-law (Chapter D, Section 10 of the Town of Acton Bylaws, the "Bylaw") and regulations promulgated pursuant thereto, and all acts in addition thereto and in amendment thereof, and every other power and authority them thereto enabling, the Acton Board of Selectmen acting as the Board of Sewer Commissioners intends to issue contemporaneously herewith final betterments for the Middle Fort Pond Brook Sewer Betterment Area. The area which it is expected will receive advantage other than the general advantage of the community from such improvements comprises the area as shown upon the Exhibits to the Orders of Construction above-referenced, and the schedules thereto annexed and made a part thereof. We estimate that the final betterments that would be assessed upon the parcel identified in the prior paragraph will be in the amount of \$12,311.52.


And it is further ordered that a copy of this order, attested by the Clerk of the Board, be filed for record in the Registry of Deeds for the Southern District of said County and in the Middlesex South Land Court Registration Office as applicable, as a statement of our action in the premises in compliance with the provisions of Section 27 of Chapter 83 of the General Laws.


IN WITNESS WHEREOF, the Board has caused this Supplemental Order to be

moved, seconded, approved, and executed at an open meeting duly called and noticed for the purpose on this 6th day of June, 2005.

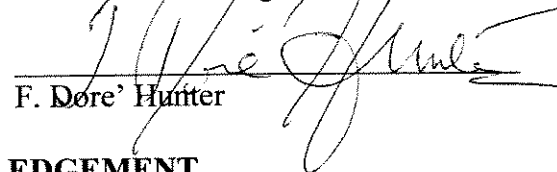
TOWN OF ACTON, MASSACHUSETTS,
By its Board of Selectmen acting as the
Board of Sewer Commissioners


Peter K. Ashton, Chairman


Walter M. Foster, Vice Chairman


Robert A. Johnson, Clerk

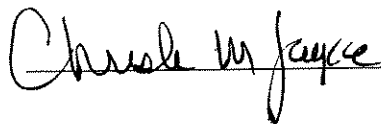

Lauren Rosenzweig


F. Dore' Hunter

ACKNOWLEDGEMENT

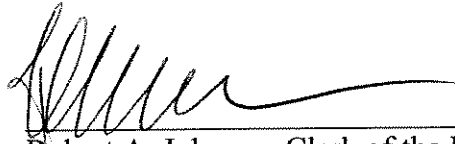
COMMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

On this 6th day of June, 2005, before me, the undersigned Notary Public, personally appeared each of the foregoing named members of the Board of Selectmen of the Town of Acton acting as the Board of Sewer Commissioners, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding document, and acknowledged to me that each signed it voluntarily for its stated purpose as the foregoing named members of the Board of Selectmen of the Town of Acton, acting as the Board of Sewer Commissioners.

 (official signature and
seal of notary)

My commission expires Sept 26, 2008

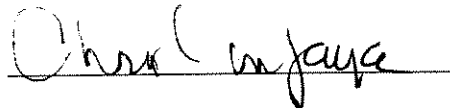
The foregoing is a true and accurate record of the action taken by the Acton Board of Selectmen acting as the Board of Sewer Commissioners at a duly noticed public meeting on June 6, 2005.


Robert A. Johnson, Clerk of the Board

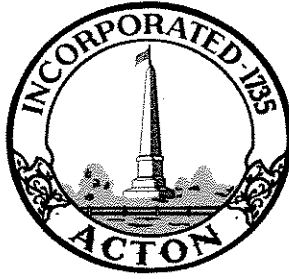
Commonwealth of Massachusetts
Middlesex, ss.

September 13, 2004

On this 6th day of June, 2005, before me, the undersigned Notary Public, personally appeared Robert A Johnson, Clerk of the Acton Board of Selectmen and Board of Assessors, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily as an accurate record of the action of the Board of Selectmen acting as the Board of Sewer Commissioners.

 (official signature and
seal of notary)

My commission expires Sept 26, 2008



TOWN OF ACTON
MIDDLE FORT POND BROOK SEWER BETTERMENT AREA
ORDER DETERMINING AND CERTIFYING
FINAL SEWER BETTERMENT ASSESSMENTS
(FOR RECORDED LAND)

MOVED: Pursuant to Massachusetts General Law Chapter 80, Section 4, Chapter 83, Sections 14 and 15, Chapter 340 of the Acts of 2000, and the Town of Acton Sewer Assessment By-law (Chapter D, Section 10 of the Town of Acton Bylaws, the "Bylaw") and regulations promulgated pursuant thereto, and all acts in addition thereto and in amendment thereof and every other power and authority them thereto enabling, the Acton Board of Selectmen acting as the Board of Sewer Commissioners hereby (A) adopts the lists of final sewer betterment assessments upon land in the Town's Middle Fort Pond Brook Sewer Betterment Area attached hereto as Exhibit 1, the list of streets and ways within the Middle Fort Pond Brook Sewer Betterment Area attached hereto as Exhibit 2, and the Map Depicting the Final Order of Construction for the Middle Fort Pond Brook Sewer Betterment Area attached hereto as Exhibit 3 as the area which receives advantage other than general advantage to the community from such improvements and for which final betterments shall be assessed, (B) certifies to the Acton Board of Assessors the lists of final sewer betterment assessments upon land in the Town's Middle Fort Pond Brook Sewer Betterment Area attached hereto as Exhibit 1 (recorded land), the list of streets and ways attached as Exhibit 2 and the Map attached hereto as Exhibit 3, and (C) further finds, orders, and determines as follows:

1. In the column labeled "Bylaw D10," each of the parcels identified as 2.b.(i) is hereby assessed the number of sewer betterment units listed in the column labeled "SBU Final" pursuant to Bylaw § 2.b.(i).
2. In the column labeled "Bylaw D10," each of the parcels identified as 2.b.(ii) is hereby assessed the number of sewer betterment units listed in the column labeled "SBU Final" pursuant to Bylaw § 2.b.(ii).
3. In the column labeled "Bylaw D10," each of the parcels identified as 2.b.(iii) is hereby assessed the number of sewer betterment units listed in the column labeled "SBU Final" pursuant to Bylaw § 2.b.(iii).
4. In the column labeled "Bylaw D10," it is determined that each of the parcels identified as 2.b.(iv) is hereby assessed the number of sewer betterment units listed in the column labeled "SBU Final" pursuant to Bylaw § 2.b.(iv), as land used or zoned for industrial use which hereby is assessed on the basis of a number of sewer units taking into account the expected daily sewage flow from such land based on Title V design flows.
5. In the column labeled "Bylaw D10," it is determined that each of the parcels identified as 2.b.(v)

is hereby assessed the number of sewer betterment units listed in the column labeled "SBU Final" pursuant to Bylaw § 2.b.(v), as land used or zoned for other purposes not specified in the foregoing sections, including, but not limited to, institutional and non-profit uses, which is hereby assessed on the basis of a number of sewer units taking into account the expected daily sewage flow from such land based on Title V design flows.

6. For purposes of calculating final sewer betterments, the total number of sewer betterment units assessed in the Middle Fort Pond Brook Sewer Betterment Area is hereby determined to be 1383.89.
7. For purposes of calculating the final sewer betterments charged on the basis of these sewer betterment units, the final costs of construction of the Middle Fort Pond Brook Sewer Project and all facilities to be assessed in connection therewith is hereby determined to be \$25,133,050. Deducted from this figure for purposes of calculating the final sewer betterment assessments shall be the following amounts: (a) \$1,336,600 under Bylaw §1 toward costs incurred in connection with the planning and construction of the sewer collection and treatment facility for Middle Fort Pond Brook Sewer District, for archeological studies, paving of roads, engineering peer reviews, police details, traffic studies, and land acquisition, (b) \$5,592,466.63 constituting payments in lieu of betterments to be paid with respect to public school, town civil defense, town fire department, and housing authority condominium properties served by the Middle Fort Pond Brook Sewer Project, and (c) \$1,166,200 allocated toward future construction costs of the Middle Fort Pond Brook Sewer Project. Accordingly, the adjusted final cost of construction of the Middle Fort Pond Brook Sewer Project and all facilities to be assessed in connection therewith is hereby determined to be \$17,037,783.37 (i.e. \$25,133,050 minus the total of items a, b and c).
8. For purposes of calculating the final sewer betterments, each sewer betterment unit shall be charged at the rate of \$12,311.52 per unit (the adjusted final costs of construction under paragraph 7 divided by the total number of sewer betterment units under paragraph 6).
9. Based on the foregoing, each of the parcels identified on the lists of final sewer betterment assessments upon land in the Town's Middle Fort Pond Brook Sewer Betterment Area attached hereto as Exhibit 1 is hereby assessed a final sewer betterment in the dollar amount set forth for the parcel in the column labeled "Final Betterment."
10. Pursuant to Chapter 340 of the Acts of 2000 and G.L. c. 80, § 13, the unpaid balance of all assessments made hereunder shall bear interest from the thirtieth day after assessments have been committed to the collector at the rate of 1.55% per cent per annum.
11. As this Order determines sewer betterment assessments for properties within the Middle Fort Pond Brook Sewer District including without limitation those properties of W.R.Grace listed and depicted on the Exhibits attached hereto, and as W.R.Grace is subject to ongoing proceedings in the United States Bankruptcy Court, the Acton Board of Selectmen acting as the Board of Sewer Commissioners has sought and obtained an Order dated December 13, 2004, from the United States Bankruptcy Court for the District of Delaware, attached hereto as Exhibit 4, on the Town of Acton's Motion for Relief from Automatic Stay and Related Determinations authorizing the Town, *inter alia*, to make the actual assessments of final betterments relating to W.R. Grace's property in the Sewer District, certify such assessments to the Town assessors, commit them to

the Town tax collector, issue bills to the Debtors on account of such assessments, and record notice of the actual assessments in the Middlesex County registry and land registration recording office.

12. After obtaining the Bankruptcy Court Order, the Sewer Commissioners have succeeded in further reducing to a certain extent both the final sewer betterment charge for each sewer betterment unit and the interest rate to be assessed on the unpaid balance of assessments made hereunder. Accordingly, the present Order Determining Final Sewer Betterment Assessments (For Recorded Land) supersedes the previous unrecorded Order Determining Final Sewer Betterment Assessments (For Recorded Land) for the Town of Acton Middle Fort Pond Brook Sewer Betterment Area adopted by the Acton Board of Selectmen acting as the Board of Sewer Commissioners on September 13, 2004.
13. A copy of this Order shall be forthwith delivered to the Acton Board of Assessors.
14. Pursuant to and in compliance with G.L. c. 83, § 27, a copy of this Order shall be forthwith recorded in the Middlesex South Registry of Deeds.
15. For the Order of Construction of the Middle Fort Pond Brook Sewer Betterment Area, see Instrument Number 27 recorded in the Middlesex South District Registry on February 14, 2001 at Book 32363, Page 77; Instrument Number 259 recorded on February 15, 2001 at Book 32370, Page 507; Document Number 1162908 registered in the Middlesex Land Court Registration Office on February 15, 2001; the Instrument Number 1202 recorded on April 10, 2001, at Book 32657, Page 083; Instrument Number 2005-00037135 recorded on February 24, 2005, at Book 44689, Page 164; and the documents recorded and registered contemporaneously herewith.

Dated: June 6, 2005

Moved by: Walter M. Foster

Seconded by: F. Dore' Hunter

Voted: 5 YES, 0 NO, and 0 ABSTAIN

IN WITNESS WHEREOF, the Board has caused this Order Determining and Certifying Final Sewer Betterment Assessments to be moved, seconded, approved, and executed at an open meeting duly called and noticed for the purpose on this 6th day of June, 2005.

TOWN OF ACTON, MASSACHUSETTS,
By its Board of Selectmen acting as the
Board of Sewer Commissioners


Peter K. Ashton, Chairman

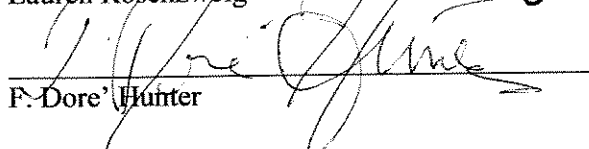

Walter M. Foster, Vice Chairman



Robert A. Johnson, Clerk



Lauren Rosenzweig

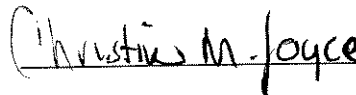


F. Dore Hunter

ACKNOWLEDGEMENT

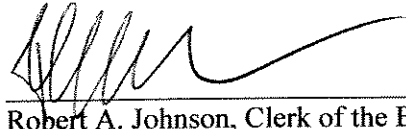
COMMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

On this 6th day of June, 2005, before me, the undersigned Notary Public, personally appeared each of the foregoing named members of the Board of Selectmen of the Town of Acton acting as the Board of Sewer Commissioners, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding document, and acknowledged to me that each signed it voluntarily for its stated purpose as the foregoing named members of the Board of Selectmen of the Town of Acton, acting as the Board of Sewer Commissioners.

 (official signature and seal of notary)

My commission expires Sept 26, 2008

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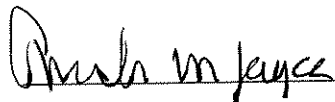


Robert A. Johnson, Clerk of the Board

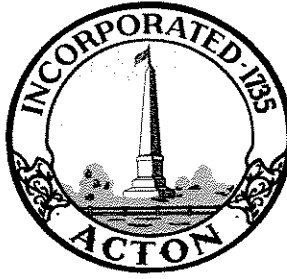
Commonwealth of Massachusetts
Middlesex, SS.

June 6, 2005

On this 6th day of June, 2005, before me, the undersigned Notary Public, personally appeared Robert A Johnson, Acting Clerk of the Acton Board of Selectmen and Board of Sewer Commissioners, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily as an accurate record of the action of the Board of Selectmen acting as the Board of Sewer Commissioners.

 (official signature and seal of notary)

My commission expires Sept 26, 2008



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1. In the column labeled "Bylaw D10," each of the parcels identified as 2.b.(i) is hereby assessed the number of sewer betterment units listed in the column labeled "SBU Final" pursuant to Bylaw § 2.b.(i).
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is hereby assessed the number of sewer betterment units listed in the column labeled "SBU Final" pursuant to Bylaw § 2.b.(v), as land used or zoned for other purposes not specified in the foregoing sections, including, but not limited to, institutional and non-profit uses, which is hereby assessed on the basis of a number of sewer units taking into account the expected daily sewage flow from such land based on Title V design flows.

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9. Based on the foregoing, each of the parcels identified on the lists of final sewer betterment assessments upon land in the Town's Middle Fort Pond Brook Sewer Betterment Area attached hereto as Exhibit 1 (registered land) is hereby assessed a final sewer betterment in the dollar amount set forth for the parcel in the column labeled "Final Betterment."
10. Pursuant to Chapter 340 of the Acts of 2000 and G.L. c. 80, § 13, the unpaid balance of all assessments made hereunder shall bear interest from the thirtieth day after assessments have been committed to the collector at the rate of 1.55% per cent per annum.
11. As this Order determines sewer betterment assessments for properties within the Middle Fort Pond Brook Sewer District including without limitation those properties of W.R.Grace listed and depicted on the Exhibits attached hereto, and as W.R.Grace is subject to ongoing proceedings in the United States Bankruptcy Court, the Acton Board of Selectmen acting as the Board of Sewer Commissioners has sought and obtained an Order dated December 13, 2004, from the United States Bankruptcy Court for the District of Delaware, attached hereto as Exhibit 4, on the Town of Acton's Motion for Relief from Automatic Stay and Related Determinations authorizing the Town, *inter alia*, to make the actual assessments of final betterments relating to W.R. Grace's property in the Sewer District, certify such assessments to the Town assessors, commit them to

the Town tax collector, issue bills to the Debtors on account of such assessments, and record notice of the actual assessments in the Middlesex County registry and land registration recording office.

12. After obtaining the Bankruptcy Court Order, the Sewer Commissioners have succeeded in further reducing to a certain extent both the final sewer betterment charge for each sewer betterment unit and the interest rate to be assessed on the unpaid balance of assessments made hereunder. Accordingly, the present Order Determining Final Sewer Betterment Assessments (For Registered Land) supersedes the previous unregistered Order Determining Final Sewer Betterment Assessments (For Registered Land) for the Town of Acton Middle Fort Pond Brook Sewer Betterment Area adopted by the Acton Board of Selectmen acting as the Board of Sewer Commissioners on September 13, 2004.
13. A copy of this Order shall be forthwith delivered to the Acton Board of Assessors.
14. Pursuant to and in compliance with G.L. c. 83, § 27, a copy of this Order shall be forthwith filed in the Middlesex Land Court Registration Office.
15. For the Orders of Construction of the Middle Fort Pond Brook Sewer Betterment Area, see Instrument Number 27 recorded in the Middlesex South District Registry on February 14, 2001 at Book 32363, Page 77; Instrument Number 259 recorded on February 15, 2001 at Book 32370, Page 507; Document Number 1162908 registered in the Middlesex Land Court Registration Office on February 15, 2001; the Instrument Number 1202 recorded on April 10, 2001, at Book 32657, Page 083; Instrument Number 2005-00037135 recorded on February 24, 2005, at Book 44689, Page 164; and the documents recorded and registered contemporaneously herewith.

Dated: June 6, 2005

Moved by: Walter H. Foster

Seconded by: F. Dore' Hunter

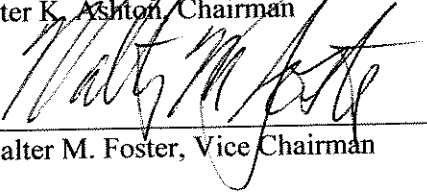
Voted: 5 YES, 0 NO, and 0 ABSTAIN

IN WITNESS WHEREOF, the Board has caused this Order Determining and Certifying Final Sewer Betterment Assessments to be moved, seconded, approved, and executed at an open meeting duly called and noticed for the purpose on this 6th day of June, 2005.

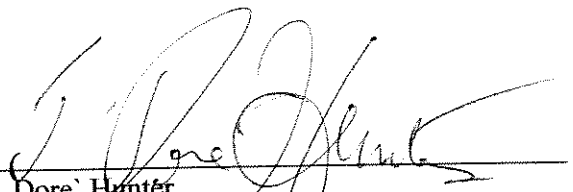
TOWN OF ACTON, MASSACHUSETTS,
By its Board of Selectmen acting as the
Board of Sewer Commissioners



Peter K. Ashton, Chairman



Walter M. Foster, Vice Chairman


F. Dore Hunter

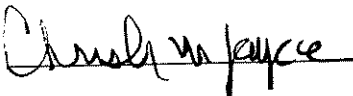

Lauren Rosenzweig


Robert A. Johnson, Clerk

ACKNOWLEDGEMENT

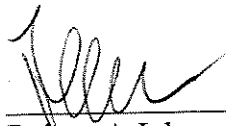
COMMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

On this 6th day of June, 2005, before me, the undersigned Notary Public, personally appeared each of the foregoing named members of the Board of Selectmen of the Town of Acton acting as the Board of Sewer Commissioners, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding document, and acknowledged to me that each signed it voluntarily for its stated purpose as the foregoing named members of the Board of Selectmen of the Town of Acton, acting as the Board of Sewer Commissioners.

 (official signature and seal of notary)

My commission expires Sept 26, 2008

The foregoing is a true and accurate record of the action taken by the Acton Board of Selectmen acting as the Board of Sewer Commissioners at a duly noticed public meeting on June 6, 2005.

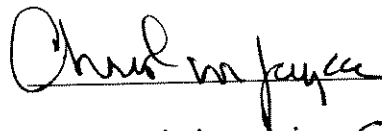


Robert A Johnson, Clerk of the Board

Commonwealth of Massachusetts
Middlesex, SS.

June 6, 2005

On this 6th day of June, 2005, before me, the undersigned Notary Public, personally appeared Robert A. Johnson, Clerk of the Acton Board of Selectmen and Board of Sewer Commissioners, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily as an accurate record of the action of the Board of Selectmen acting as the Board of Sewer Commissioners.



(official signature and seal of notary)

My commission expires Sept 26, 2008

June 3, 2005

TO: Board of Selectmen, Sewer Commissioners

FROM: Peter Ashton, Chairman

SUBJECT: Selectmen and Sewer Commissioners' Report

June 6, 2005
7:00 P.M.

I CITIZENS' CONCERNS

II SEWER COMMISSIONERS' BUSINESS

1. **SEWER DISTRICT REINSTATEMENT REQUEST, NICHOLAS ZAVOLAS** – Enclosed please find materials in the subject regard, for Board consideration.
2. **FINAL SEWER BETTERMENTS** – Enclosed please find materials in the subject regard. Staff will provide final documentation at Monday night's meeting, for Board votes and signature.

III PUBLIC HEARINGS & APPOINTMENTS

3. 7:01 **OPERATIONAL MINUTE** – The Town Manager will give the Board a brief update on various topics.
4. 7:30 **CROSSROADS CAFÉ - DISTRICT ATTORNEY'S ALCOHOLIC BEVERAGES SERVICE NOTIFICATION** – Enclosed please find materials in the subject regard, for Board consideration.
5. 7:45 **COMMON VICTUALLER'S LICENSE QUAIL RIDGE COUNTRY CLUB, FAMILY CENTER, SKYLINE DRIVE** – Enclosed please find materials in the subject regard, for Board consideration.
6. 7:50 **COMMON VICTUALLER'S LICENSE QUAIL RIDGE COUNTRY CLUB, CLUBHOUSE, SKYLINE DRIVE**, – Enclosed please find materials in the subject regard, for Board consideration.
7. 8:00 **FULL LIQUOR LICENSE AS A COMMON VICTUALLER QUAIL RIDGE COUNTRY CLUB, FAMILY CENTER, SKYLINE DRIVE** – Enclosed please find materials in the subject regard, for Board consideration.
8. 8:15 **FULL LIQUOR LICENSE AS A COMMON VICTUALLER QUAIL RIDGE COUNTRY CLUB, CLUBHOUSE, SKYLINE DRIVE** - Enclosed please find materials in the subject regard, for Board consideration
9. 8:30 **HISTORIC NEW ENGLAND, JOSEPH CORNISH** – Mr. Cornish will be in to seek approval for a Preservation Restriction Agreement from the Board regarding the Lottery House at 144 Great Road (Former residence of Mr. and Mrs. Donald Nylander).

IV SELECTMEN'S BUSINESS

10. **TOWN MEETING DISCUSSION** - Enclosed please find materials that Chairman Ashton will discuss regarding the Transfer Station.
11. **BOY SCOUT COURT OF HONOR, TIMOTHY GLICK** - Enclosed please find an invitation to attend Mr. Glick's Court of Honor, for Board assignment.
12. **HEALTH INSURANCE ISSUES** - The Chair will address the enclosed list of Health Insurance Issues from the School Committee.
13. **PLANNING BOARD APPOINTMENTS** - Enclosed please find résumé's of the three candidates the Board has previously interviewed, for Board consideration.
14. **OTHER BUSINESS**

V CONSENT AGENDA

15. **ACCEPT MINUTES** - Enclosed please find Board of Selectmen's May 23, 2005 Minutes for Board approval.
16. **ONE DAY LIQUOR LICENSE, NARA PARK** - Enclosed please find an application for a One-Day Liquor License from Melissa Grigsby on behalf of the End of School Year Picnic, for Board consideration.
17. **ANNUAL ANTIQUES SHOW AND SALE, ACTON CONGREGATIONAL CHURCH** - Enclosed please find materials in the subject regard, for Board consideration.
18. **USE OF TOWN PROPERTY** - Enclosed please find a request for use of the Library Lawn near the Play structures for a Girl Scout fund raiser, along with a recommendation from staff, for Board consideration.
19. **FEE WAIVER REQUEST, FAMILY BEACH FEE** - Enclosed please find a Confidential request for a waiver of the Family Beach Fee at NARA Park, for Board consideration.
20. **FEE WAIVER REQUEST, CAMP FEE** - Enclosed please find a Confidential request for a waiver of camp fees at NARA Park, for Board consideration.
21. **ACCEPT DONATION** - Enclosed please find a request from the Director of Municipal Properties for acceptance of office furniture from Winstanley Property Management Co., approximate value \$25,000 - \$30,000, for Board consideration.
22. **ACCEPT DONATION** - Enclosed please find a request from the Recreation Department for acceptance of a donation of 25 cases of assorted beverages and a banner, from Polar Beverage Company of Worcester, for Board consideration.
23. **ACCEPT DONATION** - Enclosed please find a request from the Recreation Department for acceptance of a donation from Northern Bank and Trust, in the amount of \$1,400 to support the Fourth of July Celebration, for Board consideration.
24. **ACCEPT DONATION** - Enclosed please find a request from the Recreation Department for acceptance of a donation in the amount of \$12,000 to sponsor the NE Patriots Cheerleaders at Acton Day from Comcast Cable Communications Group, for Board consideration.

VI TOWN MANAGER'S REPORT

VII EXECUTIVE SESSION

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete Agenda.

June 20	Nov. 1, 4, 28
July 18	Dec. 12 & 19
August 8 & 29	Jan. 7 (Budget Saturday), 16 & 30
Sept. 12 & 26	Feb 13 & 27
October 17	March 13 & 27

GOALS 2004-2005

1. Produce Morrison Farm Development Master Plan (Bob/Walter)
2. NARA PARK
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year

GOALS carried forward

5. Monitor Labor Negotiations (Peter)
6. Improve Communication with Town Boards (ALL), Improving Inter Board Communication (Dore')
7. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Trey/Peter)
8. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
9. Process Planning for "Life after NESWC" (Bob)
10. Middlesex Pension Alternatives (Walter)